

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY**

THE BEVERAGE WORKS NY, INC.,

Plaintiff,

-against-

RED BULL NORTH AMERICA, INC.,

Defendant.

Case No.: 3:24-cv-05745 (RK)-(JBD)

CONSENT ORDER

WHEREAS, on or around July 11, 2008, Plaintiff The Beverage Works NY, Inc. (“Plaintiff”) and Defendant Red Bull North America, Inc. (“Defendant”) entered into a distribution agreement (the “Distribution Agreement”); and

WHEREAS, on or about March 19, 2024, Defendant notified Plaintiff that Defendant would be terminating the Distribution Agreement effective June 2, 2024; and

WHEREAS, Plaintiff initiated this matter by filing a Verified Complaint on April 30, 2024 alleging that Defendant’s termination of the Distribution Agreement is in violation of the New Jersey Franchise Practices Act, N.J.S.A. 56:10-1, *et seq.* (“NJFPA”); and

WHEREAS, on April 30, 2024, Plaintiff filed a motion by order to show cause seeking a preliminary injunction pursuant to Federal Rule of Civil Procedure 65 and L.Cv. R. 65.1 (the “Motion”) to enjoin and restrain Defendant from terminating the Distribution Agreement pending the final resolution of the case; and

WHEREAS, the Motion also sought temporary restraints to enjoin and restrain Defendant from terminating the Distribution Agreement until such date that the Court issues a final decision on the Motion; and

WHEREAS, counsel for Plaintiff and counsel for Defendant appeared before the Court on May 9, 2024, for a telephone conference; and

WHEREAS, Plaintiff and Defendant, by their undersigned counsel, consent to the following, while reserving all rights as to the merits of the Motion and the claims asserted by Plaintiff against Defendant;

By consent of the parties and for good and sufficient reasons:

IT IS on this ___ day of May, 2024,

ORDERED that Plaintiff and Defendant shall continue to perform under the Distribution Agreement including, but not limited to, by Defendant continuing to supply Plaintiff with Red Bull Products until 11:59 p.m. Eastern Time on June 2, 2024, or until such further order of the Court;

And it is further **ORDERED** that:

1. Defendant shall file its opposition to the Motion on May 16, 2024;
2. Plaintiff shall file its reply to Defendant's opposition on May 23, 2024;
3. The Court will hold oral argument on the Motion in person on May 30, 2024 at 2:00 p.m.
4. In the event the parties resolve this matter prior to May 30, 2024, they shall immediately file a letter informing the Court of the same.

CONSENTED AND AGREED TO BY:

s/ Mitchell E. Edwards
Mitchell E. Edwards, Esq.
HINCKLEY, ALLEN & SNYDER LLP
Attorneys for Plaintiff
The Beverage Works NY, Inc.

s/ Ian S. Marx
Ian S. Marx, Esq.
GREENBERG TRAURIG, LLP
Attorneys for Defendant
Red Bull North America, Inc.

IT IS SO ORDERED on this _____ day of May, 2024

Hon. Robert A. Kirsch, U.S.D.J.